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FACSIMILE TRANSMISSION

Transmit to: Jay C. Paul, Esquire

Fax No.: (804) 668-5329

Date: February 5, 2020

In Re: Payne v. Payne

From: James M. Goff II, Esquire

Number of pages, including cover sheet: Nine (9)

Comment(s): Please see the attached communication.

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February 5, 2020

IMMEDIATE ATTENTION REQUIRED

DELIVERED BY HAND

Wendy S. Hughes, Clerk
Chesterfield Circuit Court
9500 Courthouse Road
Post Office Box 125
Chesterfield, Virginia 23832

RE: Thomas Clifford Payne v. Cheryl Cibula Payne
Case No. CL16-2435-00

Dear Ms. Hughes:

Please find enclosed the following for filing with the above-referenced matter in your court.

1. Motion to Stay;
2. Order to Stay; and
3. Motion to Rehear and Reconsider.

Please be advised that today is the twenty-first (21st) day following entry of the Final Decree in which a rehearing can be granted. It is imperative that the Order to Stay be entered today. I respectfully ask that you present the Order to Stay to one of the Honorable Judges of Chesterfield Circuit Court for entry by the close of business today.

Thank you for your generous assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'James M. Goff II', is written over a horizontal line.

James M. Goff II

JMGII:mdw
Enclosure

cc: Thomas C. Payne
Jay C. Paul, Esquire

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VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF CHESTERFIELD

THOMAS CLIFFORD PAYNE,

Plaintiff,

v.

Case No. CL16-2435-00

CHERYL CIBULA PAYNE,

Defendant.

MOTION TO STAY

COMES NOW your Plaintiff, Thomas Clifford Payne, by counsel, and moves the Court to stay the Final Decree entered on January 15, 2020 by the Chesterfield Circuit Court, pending the Motion to Rehear and Reconsider filed simultaneously herein.

THOMAS CLIFFORD PAYNE

By: 

Counsel

James M. Goff II, Esquire
VSB No. 35439
M. Donette Williams, Esquire
VSB No. 93998
JAMES M. GOFF II, P.C.
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CERTIFICATE

I hereby certify that a true and correct copy of the foregoing Motion to Stay was sent via facsimile and mailed, first class postage prepaid, to Jay C. Paul, Esquire, P. O. Box 1193, Prince George, Virginia 23875 on this 5th day of February, 2020.


M. Donette Williams

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF CHESTERFIELD

THOMAS CLIFFORD PAYNE,

Plaintiff,

v.

Case No. CL16-2435-00

CHERYL CIBULA PAYNE,

Defendant.

ORDER

CAME THIS DAY, your Plaintiff, Thomas Clifford Payne, by counsel, and moved this Court to enter an Order to stay the Final Decree entered on January 15, 2020 in this matter pending the Motion to Rehear and Reconsider filed by the Plaintiff.

It appearing necessary and proper to do so, it be and is hereby

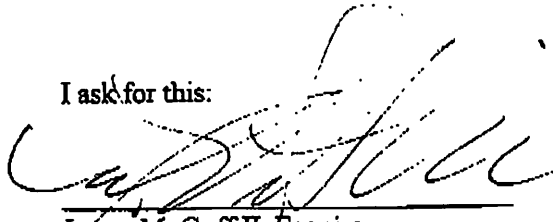
ORDERED that the Final Decree entered on January 15, 2020 shall be stayed.

Pursuant to Rule 1:13 of the Rules of the Virginia Supreme Court endorsement herein by Jay C. Paul, counsel for the Defendant, shall not be required.

ENTERED: / /

Judge

I ask for this:


James M. Goff II, Esquire
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VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF CHESTERFIELD

THOMAS CLIFFORD PAYNE,

Plaintiff,

v.

Case No. CL16-2435-00

CHERYL CIBULA PAYNE,

Defendant.

MOTION TO REHEAR AND RECONSIDER

COMES NOW, the Plaintiff, Thomas Clifford Payne, by his counsel, and moves this Court to rehear and/or reconsider issues of equitable distribution and attorney's fees, respectfully stating as follows:

1. That this Court entered a Final Decree consistent with its October 23, 2019 letter opinion on January 15, 2020.
2. That counsel for the Plaintiff, James M. Goff II, Esquire, received notice by mail of the Defendant's Chapter 13 bankruptcy filing of January 31, 2020 (Exhibit A).
3. That the Defendant's bankruptcy filing will materially affect this Court's equitable distribution award as set forth in the Final Decree entered January 15, 2020.
4. That the Plaintiff respectfully requests that this Court rehear and reconsider issues of equitable distribution given the Defendant's bankruptcy filing.

WHEREFORE, your Plaintiff, Thomas Clifford Payne, by his counsel, prays that this Court grant a rehearing for the reasons enumerated herein, and for such other and further relief as this Court shall deem meet and necessary.

THOMAS CLIFFORD PAYNE

By: 

Counsel

James M. Goff II, Esquire
VSB No. 35439
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CERTIFICATE

I hereby certify that a true and correct copy of the foregoing Motion to Rehear and Reconsider was sent via facsimile and mailed, first class postage prepaid, to Jay C. Paul, Esquire, P. O. Box 1193, Prince George, Virginia 23875 on this 5th day of February, 2020.



M. Donette Williams

Official Form 1081
Schedule 1: Your Income
1. Enter your adjusted gross income from Form 1040, line 9: \$0.00
2. Enter your tax-exempt interest income from Form 1040, line 8: \$0.00
3. Enter your capital gain income from Form 1040, line 7: \$0.00
4. Enter your qualified dividend income from Form 1040, line 6: \$0.00
5. Enter your other income (including income from Form 1040, line 1, that is not reported elsewhere on this schedule): \$0.00
6. Enter your total income: \$0.00
7. Enter your adjusted gross income from Form 1040, line 9: \$0.00
8. Enter your tax-exempt interest income from Form 1040, line 8: \$0.00
9. Enter your capital gain income from Form 1040, line 7: \$0.00
10. Enter your qualified dividend income from Form 1040, line 6: \$0.00
11. Enter your other income (including income from Form 1040, line 1, that is not reported elsewhere on this schedule): \$0.00
12. Enter your total income: \$0.00

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RECEIVED 02/05/2020 04:30PM 8046685329 JAMES M. BOFF II 008/009

Official Form 1081
Schedule 1: Your Income
1. Enter your adjusted gross income from Form 1040, line 9: \$0.00
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JAY C PAUL JAMES M. BOFF II 008/009

Patricia Randall
513 Forest Ave., Ste. 203
Hendeco, VA 22629

Thomas Clifford Payne
and James M. Goff, II, Esq.,
10310 Memory Ln., #2C
Chesapeake, VA 20832

Entered 01/21/20 15:50:00 Desc Main

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Jay C Paul
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